

FILED
 JUL 24 2013
Tracey Hall
 CLERK OF DISTRICT COURT
 By _____
 DEPUTY CLERK OF COURT

1 Richard L. Swenson, #14137
 2 12718 Gold Street
 3 Omaha, Nebraska 68144
 4 (402) 498-8336
 5 (402) 498-8336 Fax

6 TERRY J. HANSON
 7 P.O. Box 578/14 N. 9th Street
 8 Miles City, MT 59301
 9 (406) 232-3074
 10 (406) 234-5449 Fax

11 ATTORNEYS FOR PLAINTIFF

12 **MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CARTER COUNTY**

13
 14 BERNNADETTE A. ALLISON,) Cause No. DX-6-2013-18 PI
 15 Plaintiff,) Hon. George W. Huss
 16 vs.)
 17 PRICE GREGORY INTERNATIONAL,) **COMPLAINT AND DEMAND**
 18 INC., a Texas Corporation,) **FOR JURY TRIAL**
 19 Defendant.)

20
 21 COMES NOW, the Plaintiff in the above entitled action and for her cause of action
 22 against the Defendant, alleges as follows:

23 I.
 24

25 At all times pertinent hereto, the Defendant is a Texas Corporation, duly authorized to
 26 conduct business in the State of Montana and was conducting business under the laws of the
 27

1 State of Montana; the Plaintiff is a resident of the State of Nebraska.

2 II.

3 At all times pertinent hereto, highway US 212 is in common use by the residents of Carter
4 County and others. Said highway intersects with Secondary Road 277 which is also in common
5 use by the residents of Carter County and others.

6 III.

7 On or about August 2, 2010, at about 12:45 p.m., the Plaintiff was a passenger on a
8 Harley Davidson, Electra Glide motorcycle being operated by her husband, George J. Allison, Jr.
9 in an easterly direction on highway US 212 approaching its intersection with Secondary Road
10 277. The motorcycle on which the Plaintiff was a passenger was following a truck tractor towing
11 a long pipe trailer owned by the Defendant and operated by an employee of the Defendant, all
12 while under the direction and control of the Defendant. Defendant's truck and tractor trailer, was
13 loaded with very long sections of large diameter pipe which were overhanging past the rear of the
14 trailer approximately 8 feet.

15 IV.

16 As the motorcycle on which the Plaintiff was a passenger was following the Defendant's
17 truck and tractor trailer, it began to turn left onto Secondary Road 277. As the Defendant's
18 tractor and trailer executed its left hand turn, the Plaintiff's driver steered his motorcycle to the
19 right hand side of the eastbound lane to safely pass the tractor and trailer after it cleared the
20 eastbound lane of traffic. Unbeknownst to the Plaintiff's driver, the trailer being towed by the
21 Defendant's truck tractor had a steerable rear axil. Defendant's driver employee, while making
22 the left turn onto Secondary Road 277, through negligent errors of omission or commission,
23

1 suddenly and without warning steered the rear of the trailer and its load of pipe so that it
2 completely extended across the eastbound traffic lane and over the shoulder of said eastbound
3 traffic lane.
4

5 V.

6 The hazardous condition, created by the Defendant's aforesaid negligence, left Plaintiff's
7 driver with no options other than to turn to his right and lay his motorcycle on its side to avoid
8 being struck by the pipe extending from the rear of Defendant's trailer. The combination of the
9 steerable trailer with the pipe overhang created a foreseeable ultra hazardous condition that
10 required warning the unsuspecting traveling public, such as the Plaintiff, of the danger by means
11 of signs and/or flagmen. Further, the Defendant's driver employee, knew or should have known
12 of the hidden danger posed by the combination of the steerable trailer with the pipe overhang.
13 Defendant's driver, through errors of omission or commission negligently failed to keep a proper
14 lookout to his rear before driving the trailer onto the eastbound traffic lane.
15

16 VI.

17 As a result of having to lay his motorcycle over its side as the only way to avoid the rear
18 end of the trailer and the pipe overhang, the Plaintiff's body was thrown from the motorcycle and
19 skidded and tumbled through the gravel on the shoulder of the road and then into the ditch for a
20 distance of approximately 200 feet causing personal injuries to the Plaintiff as hereinafter set
21 forth.
22

23 VII.

24 As the direct and proximate result of the negligence and carelessness of the Defendant,
25 the Plaintiff sustained serious ligamentous, muscular, nerve and soft tissue damage to her torso
26
27

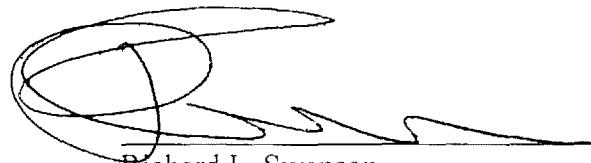
1 and extremities which have caused, now cause and in the future will continue to cause severe and
2 permanent injuries. As a result of her injuries, the Plaintiff had to be transported home by private
3 aircraft, sustained medical expenses and incidental expenses totaling in excess of \$35,000.
4

5 WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

6 1. For a sum of money for special and general damages in the excess of the
7 minimum jurisdiction of this Court;
8 2. For Court costs; and
9 3. For such other and further relief as the Court may deem just and equitable in the
10 premises.

12 **PLAINTIFF DEMANDS TRIAL BY JURY**

13 DATED this 18 day of July, 2013.



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16 Richard L. Swenson
17 Attorney for Plaintiff
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DATE 17/05/2016
TIME SERVED 1417
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MONTANA SIXTEENTH JUDICIAL DISTRICT COURT
CARTER COUNTY

BERNADETTE A. ALLISON, Plaintiff, vs. PRICE GREGORY INTERNATIONAL, INC., a Texas Corporation. Defendant.	Cause No. DV-6-2013-18-PI <i>Honorable Nickolas C. Murnion</i> SUMMONS
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THE STATE OF MONTANA, To the above named Defendant, Greetings:

To: Price Gregory International, Inc., a Texas Corporation
Corporation Service Company
26 W. Sixth Avenue
Helena, MT 59624-1691

You are hereby summoned to appear and answer the Complaint in this action, which is filed in the above-entitled Court before the District Court Judge in and for the County of Carter and State of Montana, at the Carter County Courthouse, Ekalaka, Montana, and to file your answer and serve a copy thereof upon the Plaintiff or upon either of the Plaintiff's attorneys within twenty one (21) days after service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

WITNESS my hand and the seal of said Court this 18th day of May, 2016.

1
2 (COURT SEAL)

Lorenza Faltus
Clerk of Court

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Deputy Clerk

Richard L. Swenson, #14137
12718 Gold Street
Omaha, Nebraska 68144
(402) 498-8336

Terry J. Hanson
P.O. Box 578/14 N. 9th
Miles City, MT 59301
(406) 232-3074

ATTORNEYS FOR PLAINTIFF

Bernadette A. Allison vs. Price Gregory International, Inc.,

Filed: 7/24/2013
Subtype: Personal Injury/Death

Status History

Open	7/24/2013
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Plaintiffs

Pl. no. 1 Allison, Bernadette A.

Attorneys

Hanson, Terry J.	(Primary attorney)	Send Notices
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Defendants

Def. no. 1 Price Gregory International, Inc.,

Judge History

Date	Judge	Reason for Removal
7/24/2013	Huss, George W.	Retired
1/5/2016	Hayworth, Michael B.	Recused
3/17/2016	Murnion, Nickolas C	Current

Register of Actions

Doc. Seq.	Entered	Filed	Text	Judge
1.000	07/24/2013	07/24/2013	Complaint and Demand for Jury Trial	Huss, George W.
2.000	08/22/2013	08/22/2013	Pro Hac Vice Application	Huss, George W.
3.000	09/05/2013	09/05/2013	Motion for Admission Pro Hac Vice	Huss, George W.
4.000	09/06/2013	09/06/2013	Order for Admission Pro Hac Vice	Huss, George W.
5.000	03/15/2016	03/15/2016	Notice of Failure to Prosecute	Hayworth, Michael B.
6.000	05/18/2016	05/18/2016	Summons: Issued	Murnion, Nickolas C
7.000	05/18/2016	05/18/2016	Summons: Summons: Issued to Bernadette A. Allison on 5/18/2016; Service Fee of \$0.00. Original Summons returned to Terry J. Hanson	Murnion, Nickolas C
8.000	05/31/2016	05/27/2016	Response to Notice of Failure to Prosecute	Murnion, Nickolas C
9.000	07/11/2016	07/11/2016	Summons: Issued	Murnion, Nickolas C